

REMARKS/ARGUMENTS

The above-identified patent application has been amended and reconsideration and re-examination are hereby requested.

Claims 7 and 9 have been amended to remove the rejection under 35 USC 112, second paragraph.

Claims 1, 12, 17, 18, 19, 20, 26, and 32-34 have been cancelled.

Claims 2, 5, 8, 10, 21, 22, 27-30 have been re-written into independent form.

Claims 3, 4, 11, 31 and 34 are now dependent on one or more of the claims re-written into independent form.

Claims 13-16 and 23-25 stand allowed.

Claim 9 has, as noted above, been amended to remove the rejection under 35 USC 112, second paragraph.

Remaining claims 6, and 7 stand rejected as being anticipated by, or obvious in view of, Yamamoto et al.

Claim 6 points out that the method includes "discontinuing said suppression of said switching off when a predetermined waiting time has elapsed". The Examiner refers to col 8, lines 34-36 of Yamamoto et al. which states:

Note that, in the present embodiment, stopping the operation of the engine E was prohibited when it was determined that the vehicle 2 was located within a traffic congested area, however, the present invention is not limited to this. Namely, as a variant example of the engine control apparatus 1 according to the present embodiment whose operation is shown in the flow chart in FIG. 6, it is possible to prohibit the stopping of the operation of the engine E for a predetermined length of time only. In this case, as is shown in FIG. 6, it is determined whether or not the vehicle 2 is located within a traffic congested area (step S105), and if the result of this determination is "YES", the stopping of the operation of the engine is prohibited for only the predetermined length of time (step S401). The processing routine is then ended.

Thus, patentee is describing **prohibiting** stopping of the engine for a predetermined period of time. Applicant on the other hand prohibits stopping of the engine when a predetermined **waiting time has elapsed**. Patentee will only

allow the engine to stop for a predetermined period of time. Thus, patentee measures the time the engine has stopped to determine whether to continue to prohibit stopping of the engine, whereas applicant measures the *wait time* to determine whether to prohibit stopping of the engine.

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 50-0845.

Respectfully submitted,

Date

3/11/09



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